

the regulated area there are approximately 389 small entities that may be affected by this rule. These include 351 fruit sellers, 3 growers, 33 nurseries, 1 certified farmers' market, and 1 swapmeet. These 389 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, these small entities sell regulated articles primarily for local intrastate, not interstate movement, so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

#### Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

#### National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The site-specific environmental assessment provides a basis for the conclusion that the implementation of integrated pest management to eradicate the Mexican fruit fly will not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C.

4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection in our reading room (information on the location and hours of the reading room is provided under the heading **ADDRESSES** at the beginning of this document). In addition, copies may be obtained from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

#### Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

#### PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106-113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

2. In § 301.64–3, paragraph (c) is amended by adding, in alphabetical order, an entry for California to read as follows:

#### § 301.64–3 Regulated areas.

\* \* \* \* \*

(c) \* \* \*

#### California

*Los Angeles County.* That portion of the county in the Monterey Park area bounded by a line as follows: Beginning at the intersection of Valley Boulevard and Peck Road; then south along Peck Road to its intersection with Workman Mill Road; then southwest along Workman Mill Road to its intersection with Norwalk Boulevard; then southwest along Norwalk Boulevard to its intersection with Whittier Boulevard; then northwest along Whittier Boulevard to its

intersection with Passons Boulevard; then southwest along Passons Boulevard to its intersection with Washington Boulevard; then northwest along Washington Boulevard to its intersection with Paramount Boulevard; then southwest along Paramount Boulevard to its intersection with East Slauson Avenue; then west along East Slauson Avenue to its intersection with U.S. Interstate 710; then northwest along U.S. Interstate 710 to its intersection with U.S. Interstate 5; then northwest along U.S. Interstate 5 to its intersection with South Indiana Street; then north along South Indiana Street to its intersection with North Indiana Street; then north along North Indiana Street to its intersection with Cesar Chavez Avenue; then northwest along Cesar Chavez Avenue to its intersection with North Soto Street; then north along North Soto Street to its intersection with North Huntington Drive; then northeast along North Huntington Drive to its intersection with Del Mar Avenue; then south along Del Mar Avenue to its intersection with East Longden Drive; then east along East Longden Drive to its intersection with Longden Drive; then east along Longden Drive to its intersection with Encinita Avenue; then south along Encinita Avenue to its intersection with Las Tunas Drive; then east along Las Tunas Drive to its intersection with Temple City Boulevard; then south along Temple City Boulevard to its intersection with Olive Street; then east along Olive Street to its intersection with Baldwin Avenue; then south along Baldwin Avenue to its intersection with Lower Azusa Road; then east along Lower Azusa Road to its intersection with Arden Drive; then south along Arden Drive to its intersection with Valley Boulevard; then southeast along Valley Boulevard to the point of origin.

\* \* \* \* \*

Done in Washington, DC, this 13th day of December 2002 .

**Bobby R. Acord,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 02–32178 Filed 12–20–02; 8:45 am]

**BILLING CODE 3410–34–P**

#### DEPARTMENT OF AGRICULTURE

#### Rural Housing Service

#### Rural Business-Cooperative Service

#### Rural Utilities Service

#### Farm Service Agency

#### 7 CFR Parts 1980 and 4279

**RIN 0570-AA38**

#### Business and Industry Loans; Revision to Definition of Rural Area

**AGENCY:** Rural Business-Cooperative Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Rural Business-Cooperative Service (RBS) revises its regulations to amend the definition of rural area. This action is taken to comply with the amendment to section 343(a) of the Consolidated Farm and Rural Development Act. The intended effect of this action is to implement the revised definition of rural area for the Business and Industry Guaranteed and Direct Loan Programs mandated by section 6020 of the Farm Security and Rural Investment Act of 2002.

**EFFECTIVE DATE:** December 23, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Griffin, Loan Specialist, Business and Industry Division, Rural Business-Cooperative Service, U.S. Department of Agriculture, STOP 3224, 1400 Independence Ave. SW., Washington, DC 20250, Telephone (202) 720-6802. The TDD number is (800) 877-8339 or (202) 708-9300.

**SUPPLEMENTARY INFORMATION:**

**Classification**

This rule has been determined to be non-significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

**Programs Affected**

The Catalog of Federal Domestic Assistance number for the program impacted by this action is 10.768, Business and Industry Loans.

**Paperwork Reduction Act**

There are no reporting and recordkeeping requirements associated with this rule.

**Intergovernmental Review**

The Business and Industry loan programs are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. RBS will conduct intergovernmental consultation in the manner delineated in RD Instruction 1940-J, "Intergovernmental Review of Rural Development Programs and Activities," and in 7 CFR part 3015, subpart V.

**Regulatory Flexibility Act**

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities. New provisions included in this rule will not impact a substantial number of small entities to a greater extent than large entities. Therefore, a regulatory flexibility analysis was not performed.

**Civil Justice Reform**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. In accordance with this Executive Order: (1) All State and local laws and regulations that are in conflict with this rule will be preempted, (2) no retroactive effect will be given to this rule, and (3) administrative proceedings in accordance with the regulations of the Agency at 7 CFR part 11 must be exhausted before bringing litigation challenging action taken under this rule unless those regulations specifically allow bringing suit at an earlier time.

**Environmental Impact Statement**

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." RBS has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, an Environmental Impact Statement is not required.

**Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, RBS must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local or tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any 1 year. When such a statement is needed for a rule, section 205 of UMRA generally requires RBS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

**Executive Order 13132**

It has been determined under Executive Order 13132, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect

on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

**Background**

Section 6020 of the Farm Security and Rural Investment Act of 2002, Public Law 107-424, amended section 343(a) of the Consolidated Farm and Rural Development Act (Con Act) to change the definition of rural area for several programs under that Act, including the RBS Business and Industry loan programs. Section 343(a)(13) of the Con Act provides, in part, as follows:

(13) Rural and Rural Area.

(A) In General. Except as otherwise provided in this paragraph, the terms 'rural' and 'rural area' mean any area other than

(i) A city or town that has a population of greater than 50,000 inhabitants; and

(ii) The urbanized area contiguous and adjacent to such a city or town.

The revised definition in section 343(a)(13) of the Con Act supercedes the current definition for rural area used for the Business and Industry loan program. The current definition includes all territory of a State that is not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing area with a population density of more than 100 persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States. The new definition in section 343(a)(13) expands eligibility to include urbanizing areas; adds "town" to an area which can have a population of 50,000 or more; and deletes the requirement that the urbanized area be "immediately" adjacent to the city requiring only that it be "contiguous and adjacent" to the city or town. Cities or towns with populations greater than 50,000 inhabitants and the urbanized areas which are contiguous and adjacent to such cities and towns are ineligible for Business and Industry program loans.

This regulation is being published as a final rule without a Notice of Prior Rulemaking because the change being made is mandated by section 6020 which provides no administrative discretion in choosing the language to be used. Therefore, public comment is unnecessary and impracticable and contrary to the public interest. For this same reason, this final rule will be effective immediately upon publication.

**List of Subjects***7 CFR Part 1980*

Loan programs—Business and industry—Rural development assistance, Rural areas.

*7 CFR Part 4279*

Loan programs—Business and industry, Loan programs—Rural development assistance, Rural areas.

Accordingly, Chapters XVIII and XLII, Title 7, Code of Federal Regulations, are amended as follows:

Chapter XVIII—Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture

**PART 1980—GENERAL**

1. The authority citation for part 1980 is amended to read as follows:

**Authority:** 7 U.S.C. 1989.

**Subpart E—Business and Industrial Loan Program**

2. Section 1980.402 is amended by removing the definition of “Rural area.”

3. Section 1980.405 is revised to read as follows:

**§ 1980.405 Rural areas.**

The business financed with a B&I loan must be located in a rural area. Loans to borrowers with facilities located in both rural and non-rural areas will be limited to the amount necessary to finance the facility located in the eligible rural area. Cooperatives that are headquartered in a non-rural area may be eligible for a B&I loan if the loan is used for a project or venture that is located in a rural area. Rural areas are any areas other than:

(a) A city or town that has a population of greater than 50,000 inhabitants; and

(b) The urbanized area contiguous and adjacent to such a city or town, as defined by the U.S. Bureau of the Census using the latest decennial census of the United States.

Chapter XLII—Rural Business-Cooperative Service and Rural Utilities Service, Department of Agriculture

**PART 4279—GUARANTEED LOANMAKING**

4. The authority citation for part 4279 is amended to read as follows:

**Authority:** 7 U.S.C. 1989.

**Subpart B—Business and Industry Loans**

5. Section 4279.108 is amended by revising paragraph (c) to read as follows:

**§ 4279.108 Eligible borrowers.**

\* \* \* \* \*

(c) *Rural area.* The business financed with a B&I Guaranteed Loan must be located in a rural area. Loans to borrowers with facilities located in both rural and non-rural areas will be limited to the amount necessary to finance the facility located in the eligible rural area. Rural areas are any areas other than:

(1) A city or town that has a population of greater than 50,000 inhabitants; and

(2) The urbanized area contiguous and adjacent to such a city or town, as defined by the U.S. Bureau of the Census using the latest decennial census of the United States.

\* \* \* \* \*

Dated: December 6, 2002.

**Thomas C. Dorr,**

*Under Secretary, Rural Development.*

[FR Doc. 02-32241 Filed 12-20-02; 8:45 am]

BILLING CODE 3410-XY-P

**NUCLEAR REGULATORY COMMISSION****10 CFR Parts 51, 61, 70, 72, 73, 74, 75, 76, and 150**

**RIN 3150-AG69**

**Material Control and Accounting Amendments**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its material control and accounting (MC&A) regulations. The reporting requirements for submitting Material Balance Reports and Inventory Composition Reports are being revised to change both the frequency and timing of the reports for all licensees, except for Category I licensees. The reporting requirements for Category I facilities remain unchanged. The categorical exclusion for approving safeguards plans is being revised to specifically include approval of amendments to safeguards plans. The MC&A requirements for Category II facilities are being revised to be more risk-informed. The amendments are intended to reduce unnecessary burden on licensees and the NRC without adversely affecting public health and safety.

**EFFECTIVE DATES:** This final rule is effective on March 24, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Merri Horn, telephone (301) 415-8126, e-mail [mlh1@nrc.gov](mailto:mlh1@nrc.gov), Office of Nuclear

Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**SUPPLEMENTARY INFORMATION:****Background**

The Commission is amending its MC&A requirements to reduce unnecessary regulatory burden and to provide additional flexibility to licensees required to submit Material Balance Reports and Inventory Composition Reports (also called Physical Inventory Listing Reports). The current regulations require these reports to be compiled as of March 31 and September 30 of each year and submitted within 30 days after the end of the period covered by the report. These twice yearly reports are typically based on book values as opposed to physical inventory results because the dates do not always coincide with the time frame for a facility's physical inventory. Physical inventories for Category III facilities are conducted on an annual basis, semiannually for Category I facilities, and every 2 to 6 months for Category II facilities. The term “Material Status Reports” refers to both the Material Balance Report and the Inventory Composition Report and is used in part 75.

A Category I licensee is one that is licensed to possess and use formula quantities of strategic special nuclear material (SSNM) (e.g., 5 kilograms of uranium enriched to 20 percent or more in the uranium-235 isotope). SSNM means uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium. There are currently two licensed Category I facilities. A Category II licensee is one that is licensed to possess and use special nuclear material (SNM) of moderate strategic significance (e.g., 10 kilograms of uranium enriched to 10 percent or more but less than 20 percent in the uranium-235 isotope, with limited quantities at higher enrichments). Currently, there is only one licensed Category II facility, General Atomics, and it has a possession-only license and is undergoing decommissioning. General Atomics will not be required to make changes to meet the new requirements. A Category III licensee is one that is licensed to possess and use quantities of SNM of low strategic significance (e.g., uranium enriched to less than 10 percent in the uranium-235 isotope, with limited quantities at higher enrichments). See Table 1 for more specific information on limits for Category I, II, and III licensees.